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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,333	12/05/2003	John J. Marcin JR.	EH-10880 (03-364)	1139
34704	7590	04/28/2005	EXAMINER	
BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			LIN, KUANG Y	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,333

Applicant(s)

MARCIN ET AL.

Examiner

Kuang Y. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant in response to the restriction requirement elected Group III, claims 9-15 of the invention with traverse. Applicant stated that the search for Groups II and III is the same and thus would not present an undue burden to the examiner. However, it is noted that in Group II the vacuum is applied to the tank while in Group III the vacuum is applied to the pattern. Thus, the scope for search is different and the restriction is deemed to be proper. Accordingly, claims 1-8 are withdrawn from further consideration. The restriction requirement is hereby made Final.

2. Claims 11, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, it is not clear when the process of rotating is performed. In Claim 13, the statement of "the vacuum is drawn from a headspace of a conduit ---" and in claim 14, of "the drawing raises a level of the coating material ----", respectively are deemed to be vague and indefinite in that in claim 9, from which claims 13 and 14 depend, the drawing of vacuum is performed after the coating step is performed for removing the air bubbles entrapped in the coating layer rather than for raising the level of coating material in the tank.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Horton.

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The vacuum in Horton's process is applied to the slurry in the tank as well as in the coating layer of the pattern.

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 62-214,849.

6. Claims 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 24 44 515.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62-214,849 and further in view of Horton.

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It would have been obvious to rotate the pattern to produce a uniform coating in view of Horton.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 24 44 515 and further in view of Horton.

It would have been obvious to rotate the pattern to produce a uniform coating in view of Horton.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 24 44 515 in view of Horton as applied to claim 11 above, and further in view of JP 62-214,849.

It would have been obvious to further vibrate the pattern of DE '515 during the coating to further improve the bubble removing process in view of JP '849.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 24 44 515.

Although DE '515 does not show the redrawing step, it would have been obvious that after the first drawing step, and thus the coating step, the vacuum shall be released so that the slurry can be dropped back below the pattern and thereafter, a second lower vacuum shall be applied such that to remove the bubbles in the coating layer while maintain the level of slurry below the pattern.

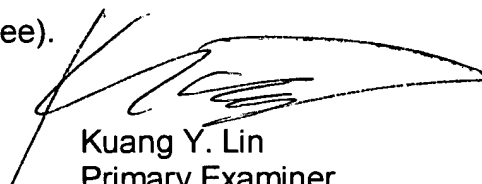
13. The patent to Collin et al. and Pergande et al. are cited to further show the state of the art.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X. Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kuang Y. Lin
Primary Examiner
Art Unit 1725

4-26-05